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REMARKS

Claims 1, 3-14, and 16-31 are pending in the present application. The Examiner has required an election of species AI (Fig. 1) or species AII (Fig. 5) AND an election of species BI (Fig. 2), BII (Fig. 3), or BIII (Fig. 4).

Applicant provisionally elects species AI and species BIII with traverse, which correspond to independent claim 16 and its dependent claims 17-20. The remaining claims are provisionally withdrawn.

MPEP 803 specifies that restriction/election between two groups of claims is only proper when (1) one group of claims is independent or distinct from another group of claims and (2) a "serious burden" exists on the Examiner in examining both groups of claims. Applicant believes the restriction requirement is improper for the reasons as follows.

There is no serious burden with the Examiner examining claims in both groups for various reasons. First, all the claims have already been examined. For example, claim 1, as amended in the previous response, simply incorporated the limitations of claim 2. Claim 11 recites similar limitations of claim 2. Although claims 16 and 21 have been amended to recite area limitations between pixel electrodes, this is not a basis the Examiner has given for the restriction. In particular, the Examiner defines Group A as having a species with a transparent filter (Fig. 1) and without a color filter (Fig. 5). Both species have previously been examined. The Examiner also defines Group B as having three different species based on the arrangement of the color filters in Figs. 2, 3, and 4. However, only claim 1 has claims dependent on the arrangement (claims 7, 8, and 9), all of which have also been previously examined. In fact, claim 16 which relates to species A1 has no claims that recite any of the limitations in Group B. Thus, the restriction in Group B has no bearing on claim 16 and its dependent claims.

Also, since the Examiner has not withdrawn the rejections of all claims, the Examiner's assertion that the claims define patentably independent or distinct species contradicts the existence of the rejections of all claims based upon prior art, especially since two main references are common with all the claims. Accordingly, it is not consistent to state that there are patentably distinct species, while still having the same prior art for all the claims.

Claims 4 and 30, which depend on claim 1, recite a transparent filter. Thus, at a minimum, claim 1 and its dependent claims should be part of species A1.

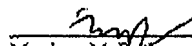
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CONCLUSION

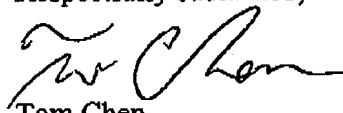
For the foregoing reasons, Applicant believes the restriction requirement is improper and that all pending claims 1, 3-14, and 16-31 should be examined in the present application. However, Applicant duly responds to the restriction requirement by provisionally electing claims 16-20, corresponding to species AI and BIII (although species BIII makes no sense in this context). Applicant maintains its arguments from the previous response and believes that the claims are allowable, with a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949) 752-7040.

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Monique M. Butler

April 13, 2007
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Respectfully submitted,


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